

Notice of Allowability

Application No.

09/147,398

Examiner

Erica E Cadugan

Applicant(s)

KAULE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 5/17/2004 and interview of 9/2004.
2. ☒ The allowed claim(s) is/are 1,2,4-18,20-22,24,28-33,36,37,40,42,44 and 45.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6 mailed 8/1/00.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ERICA CADUGAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin Urcia on September 10, 2004.

2. The application has been amended as follows:

Claim 1 (Currently Amended). A method for producing an intaglio printing plate having a flat top surface with at least one depression in the form of a line brought into the surface of the intaglio printing plate and arranged to be filled with printing ink during intaglio printing, comprising the steps of:

providing a two-dimensional line original;

defining from the two-dimensional line original a line to be brought into the surface of the intaglio printing plate, said line defining a limited partial area, an edge of the limited partial area defining a desired contour;

associating a depth profile, selected based on the amount of printing ink to be used in printing, within the desired contour;

calculating track data with aid of a computer program for controlling movement of an engraving tool along a tool track to be followed by the engraving tool within the desired contour based on the desired contour and the predetermined desired depth profile; and

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controlling the movement of the engraving tool along said tool track according to said track data such that a material of the surface of the intaglio printing plate is removed within the desired contour along the predetermined desired depth profile to form said at least one depression, said tool track being continuous.

Claim 45 (Currently Amended). A method for producing an intaglio printing plate having a flat top surface with at least one depression in the form of a line brought into the surface of the intaglio printing plate and arranged to be filled with printing ink during intaglio printing, comprising the steps of:

providing a two-dimensional line original;

defining from the two-dimensional line original a line to be brought into the surface of the intaglio printing plate, said line defining a limited partial area [of the surface], an edge of the limited partial area defining a desired contour;

associating a depth profile, selected based on the amount of printing ink to be used in printing, within the desired contour;

calculating track data with aid of a computer program for controlling movement of an engraving tool along a tool track to be followed by the engraving tool within the desired contour based on the desired contour and the [a] predetermined desired depth profile [of the at least one depression]; and

controlling the movement of the engraving tool along said tool track according to said track data such that a material of [said partial area] the surface of the intaglio printing plate is removed within the desired contour [at] along the predetermined desired depth profile to form

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said at least one depression, said tool track being continuous and extending along the desired contour;

and removing an unengraved residual area located within the partial area long said tool track.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: new figures 12-13 filed on February 1, 2001 and approved by the Examiner on April 10, 2001 have been added. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

4. The following is an examiner's statement of reasons for allowance:

There are three independent claims in the case: 1, 24, and 45. The reasons for allowance for claim 24 were presented in the office action mailed July 7, 2003, and will be repeated below for convenience.

U.S. Pat. No. 2,210,923 (Jacquerod et al.) is representative of the closest prior art of record to independent claim 24.

Jacquerod teaches an intaglio printing plate with at least one "engraved" or incised depression in the form of a line (for example, the incised shape of the 1 labeled with reference numeral 11 in Figure 1, see also page 2, lines 38-42, for example). This depression has flanks and a bottom (see Figures 1-3). This depression also has defined roughness structures 11a at the bottom of the depression.

However, Jacquerod teaches two different ways that roughness structures may be supplied to the depression 11. Firstly, Jacquerod teaches that roughness structures may be mechanically cross-hatched (page 1, left column, lines 9-24). Also, Jacquerod teaches that these roughness structures may be formed by acid etching (page 2, left column, lines 19-37, for example). It is noted that the acid-etched roughness structures 11a are the ones shown in Figures 1-3. Independent claim 24 sets forth that the defined roughness structure "has a predetermined

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meander-shape or extends at least in partial areas in a predetermined direction parallel to a direction of said at least one line". It is noted that in the case of the acid-etched stiples or "roughness structure", the pattern is not "predetermined" as claimed, but random. It is further noted that in the case of the mechanically cross-hatched "roughness structure", there is no specific teaching as to the orientation of the cross-hatchings with respect to the direction of the depression, and thus Jacquerod does not teach that the mechanically cross-hatched "roughness structure" "has a predetermined meander-shape or extends in at least partial areas in a predetermined direction parallel to a direction of said at least one line".

For at least these reasons, Jacquerod does not anticipate the present invention as set forth in independent claim 24. Additionally, as there is no combinable teaching in the prior art of record that would reasonably motivate one of ordinary skill in the art to so modify Jacquerod, Jacquerod does not render obvious the present invention as set forth in the independent claim 24.

Additionally, regarding the Graboyes reference previously applied against independent claim 24 (U.S. Re. 28747), Applicant's remarks (in the response filed March 24, 2003) in the two paragraphs at the bottom of page 3 (which the second paragraph also extends to page 4) beginning "[a]s pointed out in a previous response" and "[a]ccording to the teachings of Graboyes..." are persuasive.

Additionally, regarding independent claims 1 and 45, U.S. Pat. No.'s 5,246,319 to Prince et al., 4,949,270 to Shima et al., 4,907,164 (Guyder), and the Technical Manual from Lang GmbH & Co. Kg, cited by Applicant on the IDS submitted March 24, 2003 (hereinafter "Lang") are exemplary of the closest prior art of record to the present invention as set forth in independent claims 1 and 45. Each of these references has been discussed in detail on the

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record, for example, in at least the office action mailed December 15, 2003. Such detail will not be repeated herein.

Suffice it to say, none of the foregoing references, singularly or taken in any reasonable combination, teaches the claimed method including the method step of "associating a depth profile, selected based on the amount of printing ink to be used in printing, within the desired contour" as set forth in each of method claims 1 and 45.

For at least the foregoing reasoning, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claims 1 and 45.

The aforescribed prior art being exemplary and representative of the closest prior art of record, the prior art of record neither anticipates nor renders obvious the present invention as set forth in any of independent claims 1, 24, or 45.

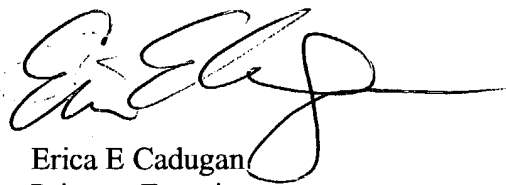
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (703) 308-6395. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Erica E Cadugan', with a long horizontal flourish extending to the right.

Erica E Cadugan
Primary Examiner
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eec
September 13, 2004